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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/742,720	12/21/2000	Greg Jones	40921/205585	7754

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DANIELS DANIELS & VERDONIK, P.A.
SUITE 200 GENERATION PLAZA
1822 N.C. HIGHWAY 54 EAST
DURHAM, NC 27713

EXAMINER
DENNISON, JERRY B

ART UNIT	PAPER NUMBER
2143	

DATE MAILED: 09/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/742,720	JONES ET AL.
	Examiner	Art Unit	
	J. Bret Dennison	2143	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *13 July 2004*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-5 and 7-16* is/are pending in the application.

　4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-5 and 7-16* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

　a)☐ All　b)☐ Some * c)☐ None of:

　　1.☐ Certified copies of the priority documents have been received.

　　2.☐ Certified copies of the priority documents have been received in Application No. _____.

　　3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
　　application from the International Bureau (PCT Rule 17.2(a)).

　* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

1.   This Action is in response to Amendment of Application Number 09/742720

received on 13 July 2004.

2.   Claims 1-5 and 7-16 are presented for examination.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4, 8-11, 13, 15, and 16 are rejected under 35 U.S.C. 102(b) as being

anticipated by Kapoor et al. (U.S. Patent Number 5,682,534) hereinafter referred to by

Kapoor.

1.   Regarding claims 1 and 9, Kapoor discloses a system of interprocess

communications between a client and a server, comprising:

a server having server data and a server Interprocess Communications Facility

which is a socket associated therewith, said server being configured for communicating

with one or more clients having client data and a client Interprocess Communications

Facility which is a socket associated

therewith (Kapoor, col. 2, lines 35-45, col. 4, lines 25-40, col. 5, lines 10-15, Kapoor

teaches clients and servers configured for communicating with one or more clients or

servers having data and using interprocess communication);

said server Interprocess Communications Facility and said client Interprocess

Communications Facility being configured for forming a connection between said server

Interprocess Communications Facility and said client Interprocess Communications

Facility for delivering said server data and receiving said client data (Kapoor, col. 3,

lines 15-20, Kapoor teaches establishing an interprocess communication path between

clients and servers),

said connection having connection oriented protocol operatively associated

therewith (col. 3, lines 15-17);

said server being programmed for detecting if said client is local or remote

(Kapoor, col. 5, lines 10-15, col. 3, lines 10-20, Kapoor teaches that clients act as

servers and servers act as clients and detection is made if client is local or remote);

said client being configured for detecting if said server is local or remote (Kapoor,

col. 5, lines 10-15, col. 3, lines 10-20, Kapoor teaches that clients act as servers and

servers act as clients and detection is made if server is local or remote);

said server being further configured to setting pointers to said client Interprocess

Communications Facility if said client is local (Kapoor, col. 3, lines 14-17, Kapoor

teaches setting vectors); and

said pointers being configured to form a direct connection between said server

Interprocess Communications Facility and said client Interprocess Communications

Facility for data exchange between said client and said server in a manner for
bypassing said connection oriented protocol Kapoor, col. 3, lines 14-17, Kapoor
teaches vectors including at least one binding handle having a protocol sequence that
establishes an interprocess communication path between server and client processes);
and

transferring data between said client and server (Kapoor, col. 3, lines 18-21,
Kapoor teaches using the new communication path to transfer data).

2.   Regarding claims 2 and 10, Kapoor teaches all of the limitations, substantially as
claimed, as described in claims 1 and 9, including said server and said client being
further configured for setting said pointers to null (Kapoor, cols 21-22, lines 20-25 and
33-37).

3.   Regarding claims 3, 11, and 13, Kapoor teaches all of the limitations,
substantially as claimed, as described in claims 1 and 9, including wherein said server
is further configured for detecting errors in data transfer/connection (Kapoor, col. 12,
lines 8-15); setting said pointers to null if errors are detected (Kapoor, cols 21-22 lines
15-40), and setting a conventional Interprocess Communications Facility connection
using the connection oriented protocol (Kapoor, col. 3, lines 48-53).

Regarding claim 4, Kapoor teaches all of the limitations, substantially as claimed, as
described in claim 1, including wherein said connection oriented protocol is

Transmission Control Protocol/Internet Protocol (TCP/IP) (Kapoor, col. 3, lines 48-53,

Kapoor teaches a connection-oriented protocol "ncacn_ip_tcp").

4.   Regarding claim 8, Kapoor teaches all of the limitations, substantially as claimed,

as described in claim 1, including verifying that said client and said server are prepared

to set said pointers directly between said client and said server Interprocess

Communications Facilities prior to setting said pointers; and when either said client or

said server are not prepared to set said pointers directly between said client and said

server Interprocess Communications Facilities, setting said pointers to null (Kapoor, col.

21, line 25 through col. 23, line 12); and transferring data between said client and said

server via a conventional connection oriented protocol connection (Kapoor, col. 3, lines

48-53).

5.   Regarding claims 15 and 16, Kapoor teaches all of the limitations, substantially

as claimed, as described in claim 9, including wherein said server/client is further

configured to verify that said client is prepared to transmit data via said pointers set

directly between said client and said server Interprocess Communications Facilities

(Kapoor, col. 5, lines 10-15, and col. 21 line 25 through col. 23, line 11, Kapoor teaches

checking for endpoints and if not given, creating one.).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

Claims 5, 7, 12, and 14 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Kapoor in view of Lam et al. (U.S. Patent Number 5,926,636)

hereinafter referred to by Lam.

6.   Regarding claims 5 and 14, Kapoor teaches all of the limitations, substantially as

claimed, as described in claims 1 and 9. However, Kapoor does disclose wherein said

Interprocess Communications Facility is a Transport Layer Interface (TLI).

In an analogous art of interprocess communication, Lam teaches a remote

procedure call component management method that supports operations over a

plurality of transport stacks that support TCP/IP.

Therefore it would have been obvious to one in the ordinary skill in the art at the

time the invention was made to combine Kapoor with Lam to enable remote procedural

calls to work properly in an environment with mixed versions of remote and local

programming interfaces (Lam, col. 4, lines 35-40).

7.   Regarding claims 7 and 12, Kapoor teaches all of the limitations, substantially as

claimed, as described in claims 1 and 9, except wherein said server is further

configured to determine if said server and said client Interprocess Communications

Facilities within the same system are compatible; and if said server and said client

Interprocess Communications Facilities are not compatible, transferring data between

said client and said server through a conventional connection oriented protocol

connection.

In an analogous art of interprocess communication, Lam teaches a remote

procedure call component management method that determines if server and client

formats are compatible (Lam, col. 6, lines 13-15) and if they are not compatible,

converting the message to a compatible format (Lam, col. 6, lines 15-20).

Therefore it would have been obvious to one in the ordinary skill in the art at the

time the invention was made to combine Kapoor with Lam to enable remote procedural

calls to work properly in an environment with mixed versions of remote and local

programming interfaces (Lam, col. 4, lines 35-40).

Response to Amendment

Applicant's arguments and amendments filed on 13 July 2004 have been carefully

considered but they are not deemed fully persuasive. Applicant's arguments are

deemed moot in view of the following new grounds of rejection as explained here below,

necessitated by Applicant's substantial amendment (i.e., *by incorporating the limitations

of claim 6 in to independent claim 1*) to the claims which significantly affected the scope

thereof.

Applicant's arguments with respect to the invention have been fully considered by they are not persuasive. Applicant argues that that previously applied art (Kapoor, 5,682,534) teaches "after determining that the client and server are located on the host computer, the protocol sequence is mapped to a second protocol sequence that establishes an interprocess communication path between client and server process" (see Applicants Response, filed 13 July 2004, page 9, first paragraph). Applicant also argues "Kapoor teaches moving to a different protocol as opposed to staying within the same protocol and simply bypassing the connection oriented protocol."

Applicant argues that in the Applicant's invention, "in the event that a client is on the same system as the server, pointers in the interprocess communication facility connection are set for bypassing the connection oriented protocol associated therewith, such that data is transferred directly between the client and the server bypassing the connection oriented protocol."

Regarding the independent claims, Applicant only discloses a client and server having a connection oriented protocol, determining if the client and server are on the same system, and if they are, bypassing said connection oriented protocol to directly transfer the data between said client and server.

Kapoor teaches a client and server having a connection oriented protocol and if both client and server are on the same system, a binding handle vector is returned to the client process. The protocol sequence is then mapped to a second protocol sequence that establishes an interprocess communication path (Kapoor, see Abstract).

This means that the connection oriented protocol is bypassed, as in the Applicant's claimed invention.

Applicant argues that "Kapoor does not stay with the protocol associated with the COP and simply bypasses the COP" (see Applicants Response, filed 13 July 2004, page 10, first paragraph), however in the claimed invention, Applicant discloses bypassing the COP as well.

Regarding Applicant's arguments for claims 2 and 10, Kapoor teaches setting the RPC address pointer to NULL, which determines the RPC address, and the type of connection is determined when the RPC is executed.

Regarding Applicant's arguments for claims 3, 11, and 13, Kapoor teaches checking for error in transmitting and receiving data and if an error occurred, the rpc address is changed to the original address which is the COP (col. 11, line 30 through col. 12, line 15).

Thus, Applicant's arguments drawn toward distinction of the claimed invention and the prior art teachings on this point are not considered persuasive. It is also clear to the Examiner that Kapoor clearly teaches the independent claims of the Applicant's claimed invention.

Furthermore, as it is Applicant's right to continue to claim as broadly as possible their invention, it is also the Examiner's right to continue to interpret the claim language as broadly as possible. It is the Examiner's position that the detailed functionality that allows for Applicant's invention to overcome the prior art used in the rejection, fails to differentiate in detail how these features are unique [see Spec page 9 paragraphs 31-

33]. As it is extremely well known in the networking art as already shown by Kapoor,
bypassing a connection oriented protocol for direct transfer of dad is taught as well as
other claimed features of Applicant's invention. By the rejection above, the applicant
must submit amendments to the claims in order to distinguish over the prior art use in
the rejection that discloses different features of Applicant's claimed invention.

It is the Examiner's position that Applicant has not yet submitted claims drawn to
limitations, which define the operation and apparatus of Applicant's disclosed invention
in manner, which distinguishes over the prior art.

Failure for Applicant to significantly narrow definition/scope of the claims and
supply arguments commensurate in scope with the claims implies the Applicant intends
broad interpretation be given to the claims. The Examiner has interpreted the claims
with scope parallel to the Applicant in the response and reiterates the need for the
Applicant to more clearly and distinctly define the claimed invention.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time
policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE
MONTHS from the mailing date of this action. In the event a first reply is filed within
TWO MONTHS of the mailing date of this final action and the advisory action is not
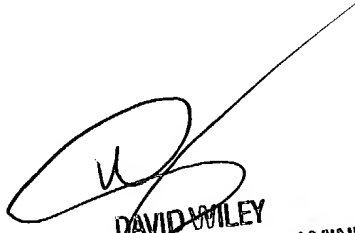mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to J. Bret Dennison whose telephone number is (571)272-

3910. The examiner can normally be reached on M-F 8:30am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, David A Wiley can be reached on (703)308-5221. The fax phone number

for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the

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you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

J. Bret Dennison
Patent Examiner
Art Unit 2143

DAVID WILEY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100